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NAVY FOR CNO-N5JA AND DIRSSP
AIRFORCE FOR HQ USAF/ASX AND ASXP
DTRA FOR OP-OS OP-OSA AND DIRECTOR
NSC FOR LOOK
DIA FOR LEA

E.O. 12958: DECL: 12/09/2019
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA
(SFO-GVA-VII): (U) TREATY TEXT AND DEFINITIONS WORKING
GROUP MEETING, NOVEMBER 24, 2009

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

11. (U) This is SFO-GVA-VII-051.

12. (U) Meeting Date: November 24, 2009
Time: 3:30 A.M - 5:30 P.M.
Place: U.S. Mission, Geneva

SUMMARY

13. (S) The seventh Treaty Text and Definitions Working Group (TTDWG) meeting of the session was held at the U.S. Mission on November 24, 2009. The Russian delegation provided a working paper addressing counting rules for deployed and non-deployed items. Specifically, an ICBM or SLBM within its launcher would be considered a deployed missile in a deployed launcher, otherwise the two components would be considered non-deployed. There was general agreement with the concept with the exception of heavy bombers because the proposal stated that the status of a non-deployed heavy bomber would be also dependent upon its location.

14. (S) The Russian delegation also provided a proposal addressing location restrictions for non-deployed items. The delegations agreed that consideration should be given to adding production facilities and they also discussed whether an ICBM or SLBM prototype should be addressed in the new treaty.

15. (S) The U.S. delegation presented revised language addressing the issue of releasability of Memorandum of Understanding (MOU) data both following the initial compilation data and after 6-month MOU updates. The Russian view was that current language in the Strategic Arms Reduction Treaty (START) simply stating that such data would be released as agreed to by the Parties was adequate. The U.S. proposal provided for the non-release of specific information which would be articulated in the associated treaty article. End Summary.

16. (S) SUBJECT SUMMARY: Russian Proposal for Deployed and Non-Deployed Items; Non-Deployed Heavy Bombers; Russian Proposal for Locations of Non-Deployed Items; Production Facilities; Is A Prototype Missile Non-Deployed?; and Releasability of MOU Data.

RUSSIAN PROPOSAL FOR DEPLOYED AND NON-DEPLOYED ITEMS

17. (S) Mr. Taylor opened the meeting and invited Adm Kuznetsov to suggest topics for discussion. Kuznetsov proposed that the delegations concentrate on the subject of non-deployed strategic offensive arms (SOA). He stated that the Russian delegation had reviewed the handling of non-deployed SOA in Article IV of START, the U.S. proposals for the START Follow-On (SFO) treaty as well as the initial Russian proposals. The result was encapsulated in two documents that the Russian side provided to the U.S. side.

18. (S) The first document addressed counting rules for non-deployed SOA. Kuznetsov noted that the Russian proposal assumed that there were to be no numerical limitations on non-deployed SOA even though they were to be accountable items under the treaty. He recognized that the U.S. Chairman of the Joint Chiefs of Staff, Admiral Mullen, had introduced a proposal for limits on non-deployed SOA, but that no decision had been made and so this Russian proposal did not include it. Kuznetsov cautioned this proposal was just a concept or vision and that if the U.S. delegation accepted it, the specific wording and location within the SFO treaty could be determined later. The official English version of the document stated:

Begin Text:

Proposal on Counting Non-Deployed Items

-An ICBM or SLBM shall be considered to be non-deployed after this ICBM or SLBM has been removed from a deployed ICBM or SLBM launcher;

-An ICBM or SLBM launcher shall be considered to be non-deployed after an ICBM or SLBM has been removed from this deployed ICBM or SLBM launcher;

-A heavy bomber shall be considered to be non-deployed after the conversion of a heavy bomber equipped for nuclear armaments into a heavy bomber equipped for non-nuclear armaments as well as after a deployed heavy bomber has been moved from an air base to facilities specified in paragraph 2 (c) of this Article.

End text.

19. (S) Kuznetsov explained that the draft SFO treaty accounted for deployed and non-deployed SOA. So the Russian approach was to provide a concept of the meaning of "non-deployed" that was simple and understandable. The objective was to articulate when a deployed item became a non-deployed item. Once that was achieved, the rules regarding the location of non-deployed SOA would follow, which was the concept behind the second Russian proposal. Kuznetsov noted that the concept applied to ICBMs including mobile ICBMs, as well as to submarines and SLBMs. Regarding non-deployed heavy bombers, all such bombers would be located

only at certain specified facilities. Kuznetsov declared precise definitions for deployed and non-deployed SOA were necessary in order to make the SFO treaty work.

¶10. (S) Taylor referred Kuznetsov to the first paragraph stating that ICBMs and SLBMs shall be non-deployed after the ICBM or SLBM was removed from its launcher and asked whether this meant that the ICBM or SLBM was physically removed from its launcher or, that it was not installed in or on the launcher. Kuznetsov replied it was the former; the missile was physically removed. He added that once the missile was removed from its launcher, regardless of whether it was sent to a storage facility or remained on the base, it was a non-deployed missile. Taylor followed up by asking whether, if the ICBM or SLBM was physically installed in its launcher, do they become a deployed missile and a deployed launcher. Kuznetsov answered yes and stated that the purpose of the

Russian text was to precisely state when a deployed item became a non-deployed item and vice versa.

¶11. (S) Taylor then asked about the status of an ICBM or SLBM when it came out of the production facility. Kuznetsov replied that such a missile, whether an ICBM or SLBM, would be non-deployed. He continued that facilities where non-deployed SOA could be located should be stated in the treaty and that was the purpose of the proposal in the second document. Kuznetsov noted that when such a missile left the production facility, notification would be provided to the other Party. Further, the missile would stay non-deployed even after its arrival at its designated base and would remain so until it was loaded into its launcher. Kuznetsov pointed out that if the missile was loaded into a test launcher, it would also remain non-deployed because test launchers were never considered deployed and the Russian side believed this practice should be continued.

¶12. (S) Mr. Dean stated there was merit to a single "one stop" definition of deployed and non-deployed items. However he noted that the Russian proposal addressed only the time after the missile was removed from its launcher but not before. Therefore, the concept could be revised to state a missile would be considered non-deployed when it is not contained within a launcher. Kuznetsov agreed and emphasized that the purpose of the document was to explore the concept and, if agreed, the precise wording would be determined later.

¶13. (S) Kuznetsov stated that the sides should next determine where the text for non-deployed SOA should be placed. He proposed that if there was a limit for non-deployed SOA, such as the 150 limit proposed by Mullen, the concept should be placed in one of the treaty articles. Otherwise, if there were no numerical limits, it should go into the Terms and Definitions Section of the treaty. Dean summarized that the task was two-fold: (1) to discuss if the concept should go into the treaty and if so, then (2) where within the treaty it should be placed. Dean advocated that since a very clear description of this concept would be needed, it should be located in only one place within the treaty.

¶14. (S) Taylor stated his opinion that the Russian proposal presented a clear concept for deployed and non-deployed SOA and that it presented no major difficulties. However it would have to be studied and there would have to be additional work regarding the structure of the concept. Kuznetsov stated that his lawyers had advocated against a definition for deployed and non-deployed SOA and had instead promoted defining when a deployed item became a non-deployed item. Dean replied that if the concept of deployed and non-deployed was clearly understood then the problem of when it changed from one to the other was automatically solved. Kuznetsov agreed. Taylor stated one issue that required resolution was the U.S. concept that deployed ICBMs and deployed SLBMs were "considered to be contained" in their respective deployed launchers. Taylor noted that in studying the Russian proposal, the U.S. delegation would take this

into account and return to the next meeting with the results.

NON-DEPLOYED HEAVY BOMBERS

¶15. (S) Kuznetsov asked the U.S. side for its view of the concept with respect to heavy bombers. He stated that a heavy bomber equipped for nuclear armaments was a deployed heavy bomber. However, if such a heavy bomber was transferred to a conversion or elimination facility, it became a non-deployed heavy bomber. Therefore, the definition of a non-deployed heavy bomber was directly related to its location. Kuznetsov pointed out that this was a different construct than that used for ICBMs and SLBMs. For example, a heavy bomber equipped for nuclear armaments located at a conversion or elimination facility was by definition, non-deployed. Taylor replied that the U.S. side needed to understand the difference between "basing" and "location" of heavy bombers as it was being used in the proposed text. The U.S. delegation had some questions such as the status of a heavy bomber equipped for non-nuclear armaments which flew to an air base that had heavy bombers equipped for nuclear armaments. Taylor noted that the Russian concept stated that the location determined whether a heavy bomber was deployed or non-deployed but he asserted that other factors should be included.

¶16. (S) Kuznetsov referred Taylor to Article V, paragraph 6 of the Russian-proposed SFO text which stated "Heavy bombers equipped or converted for non-nuclear armaments shall be based separately from heavy bombers equipped for nuclear armaments." Referencing Taylor's earlier question, Kuznetsov explained that such heavy bombers could fly there but not be based there. He also noted that the nomenclature and numbers of heavy bombers would be provided by both sides to the other Party and that any discrepancies would raise questions. Taylor stated that regarding the overall Russian concept for deployed and non-deployed issues, the two sides were in general agreement.

RUSSIAN PROPOSAL FOR LOCATIONS OF NON-DEPLOYED ITEMS

¶17. (S) Kuznetsov handed over the second document. The official English translation of the document stated:

Begin Text:

Proposal on Locating Non-deployed Items

¶1. Each Party shall have the right to locate:

a) Non-deployed ICBMs or SLBMs: at ICBM bases, submarine bases, ICBM or SLBM loading facilities, repair facilities for ICBMs or SLBMs, storage facilities for ICBMs or SLBMs, conversion or elimination facilities for ICBMs or SLBMs, training facilities, test ranges.

b) Non-deployed ICBM or SLBM launchers: at ICBM bases, submarine bases, production facilities for mobile launchers of ICBMs or ballistic missile submarines, repair facilities for mobile launchers of ICBMs, storage facilities for mobile launchers of ICBMs, conversion or elimination facilities for mobile launchers of ICBMs, training facilities, test ranges.

c) Non-deployed heavy bombers: at air bases for heavy bombers equipped for non-nuclear armaments, heavy bomber flight test centers, production facilities for heavy bombers, training facilities for heavy bombers, repair facilities for heavy bombers, and conversion or elimination facilities for heavy bombers.

¶2. Non-deployed ICBMs or SLBMs as well as non-deployed

mobile launchers of ICBMs may be in transit. Each Party shall limit the duration of each transit between facilities to no more than 30 days.

¶13. Each Party shall provide notification to the other Party regarding the transfer of deployed strategic offensive arms to non-deployed strategic offensive arms and vice versa in accordance with Section IV of the Protocol.

End text.

¶18. (S) Kuznetsov stated that the Russian side had reviewed the language in START, the U.S proposals for the SFO treaty, and their previous proposal for non-deployed SOA. The result was the three paragraphs of their paper which addressed: (1) facilities where non-deployed SOA may be located; (2) non-deployed transit time; and (3) notifications. Kuznetsov declared that this covered all the non-deployed issues for the treaty. He explained that the MOU would be updated every 6 months and the notifications rules would remain unchanged from START. Kuznetsov concluded that the Russian proposal was a carefully thought-out and crafted product. As an example, he noted that the START text addressed prototype ICBMs but in this construct it is much simpler; there were existing types of SOA and that was all. Kuznetsov offered that if the U.S. side desired other locations for locating non-deployed SOA, the Russian side would agree. He brought up space launch facilities as a possibility but stated that the current Russian position was that they should not be included. Taylor replied that he understood.

PRODUCTION FACILITIES

¶19. (S) Taylor asked why production facilities were not listed as a location for non-deployed SOA. Kuznetsov replied that the inspection regime did not include production facilities and that missiles were not counted within them. Taylor pointed out that the Russian SS-25 was occasionally returned to its production facility. If a non-deployed ICBM departed from its base and was returned to its production facility, then it was logical that the Russian side would advocate that it be included as an allowed location. Kuznetsov conceded Taylor's point.

¶20. (S) Taylor noted that production facilities were listed in START and in the U.S. proposal. He elaborated that his question was in reference to mobile ICBMs at Votkinsk. When a mobile ICBM was returned to Votkinsk, the United States would get a notification, and likewise when the ICBM departed. The United States was able to determine whether the missile emerging from the production facility was a new missile or a repaired one by its unique identifier (UID). Kuznetsov made a reference that if UIDs were to be put on

mobile ICBMs they would have to be put on all SOA. But he understood Taylor's point and agreed to consider it. Ms. Zdravecky observed that it appeared, under the Russian proposal, when a mobile ICBM returned to Votkinsk it would relinquish its non-deployed status and, from the perspective of the MOU, would cease to exist. Then, when it exited Votkinsk again it might be notified as if it were a new missile exiting even though it was still the same one. Zdravecky concluded that, per the Russian-proposed treatment of non-deployed SOA, "new" did not really matter--it was either on the books or not on the books. Kuznetsov stated that this was correct because non-deployed items were not numerically accounted for in the way deployed items were. However, if the U.S. proposals for counting mobile ICBMs were accepted, then the Russian proposal for the treatment of non-deployed SOA would be revised accordingly.

IS A PROTOTYPE MISSILE NON-DEPLOYED ?

¶21. (S) Taylor stated that regarding prototypes it was true that in the START Treaty, Article IV stated that "Prototype ICBMs and prototype SLBMs shall not be located at maintenance facilities of ICBM bases or at submarine bases." He remarked that it was his opinion that a prototype is a non-deployed missile. The START restriction on prototypes was intended to remove the potential that the missile would be considered as deployed. Therefore some consideration of prototypes needed to be included in the SFO treaty. Kuznetsov responded that the SFO treaty was designed to only count deployed SOA of new or existing types. Therefore, addressing prototypes served no purpose.

¶22. (S) Taylor reminded Kuznetsov that the United States had proposed the concept for prototypes in START. At that time, the United States had the "small ICBM" prototype but later Russia had also made use of the prototype provisions. Therefore it should be reconsidered for the new treaty. Kuznetsov said that the Russian side would do so, but pointed out that in recent SLBM test launches, the missile was either an existing or a declared new type. So, again, there was no reason for including prototypes in the treaty. Taylor reiterated that both sides had used this provision to develop future systems and therefore it was something worth considering. Kuznetsov relented that if the U.S. side deemed it necessary the Russian side would agree.

¶23. (S) As a last point, Taylor noted that though paragraph 1(c) discussed "locating" heavy bombers, it seemed more accurate to use the term "basing." Kuznetsov agreed and committed to providing a revised version of the paper.

RELEASABILITY OF MOU DATA

¶24. (S) Taylor turned the discussion to Article VIII of the U.S.-proposed Joint Draft Text (JDT); specifically on the issue of the releasability of MOU data. Kuznetsov agreed that this issue required resolution but remarked that it would be better to do it within the framework of the Bilateral Consultative Commission. He stated that his

personal view was that the language in START was adequate. However, Kuznetsov did point out that unlike START, there was the additional element of data on nuclear and non-nuclear warheads. Taylor noted that as of the last working group meeting, he believed that both sides were close to agreement on the releasability of initial MOU data. The new treaty and the initial MOU which would be signed by both Presidents would be releasable to the public. Taylor stated that the challenge was how to write this into the treaty. Kuznetsov replied that there were easier ways to accomplish this such as a Joint Statement. The Joint Statement could be written to provide the mechanism for releasing the data.

¶25. (S) The U.S. delegation handed to the Russian delegation a revision of paragraphs 6 and 7 of Article VIII of the U.S.-proposed JDT. Taylor explained that the proposal specifically addressed what MOU data should and should not be released. Additionally, it stated that the Parties would hold consultations regarding the releasability of any follow-up data. Taylor and Kuznetsov agreed that this mechanism and the Russian solution of a Joint Statement were viable approaches to this issue.

¶26. (U) Documents provided.

- U.S.:

-- Proposed JDT of Article VIII, paragraphs 6 and 7, dated November, 24, 2009 (English and unofficial Russian)

-- Working Paper: Proposal on Counting Non-deployed Items, dated November, 24, 2009 (Russian and English)

-- Working Paper: Proposal on Locating Non-Deployed

Items, dated November, 24, 2009 (Russian and English)

¶27. (U) Participants:

U.S.

Mr. Taylor
Mr. Connell
Mr. Dean
Dr. Fraley
Mr. Hanchett
Col LaGrafte
Mr. Sims
Mrs. Zdravecky
Mr. Shkeyrov (Int)

RUSSIA

Adm (Ret) Kuznetsov
Ms. Fuzhenkova
Mr. Kamenskiy
Ms. Kotkova
Mr. Lobach
Ms. Evarovskaya (Int)

¶28. (U) Gottemoeller sends.
GRIFFITHS